

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

RICKEY V. WEBB

§

VS.

§

CIVIL ACTION NO. 2:04cv422

**COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION**

§

MEMORANDUM ORDER

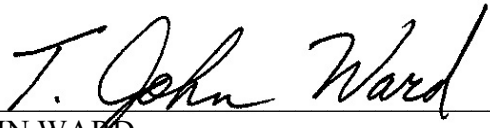
The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains her proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. Plaintiff filed objections to the Report and Recommendation. The Court conducted a *de novo* review of the Magistrate Judge's findings and conclusions.

Plaintiff objects to the Magistrate Judge's recommendation that Plaintiff's above-entitled and numbered social security cause of action be affirmed. Specifically, Plaintiff asserts the Report and Recommendation does not recognize that the medical evidence does not establish there has been improvement in Plaintiff's impairment since January 30, 1997. Plaintiff further contends his impairments are severe, and they significantly impair him from doing any type of substantial employment. In addition, Plaintiff objects to the Report and Recommendation because (1) there is no substantial evidence to support the Commissioner's decision that Plaintiff's disability automatically ceased on October 1, 2002; (2) the Administrative Law Judge ("ALJ") should have called a vocational expert at the hearing, and the ALJ failed to do so; and (3) the Report did not take into consideration the hypertension and history of a gun shot wound.

After reviewing the transcript, the briefs of the parties, and the Report and Recommendation, the Court finds Plaintiff's objections are without merit. The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is hereby

ORDERED that the above-entitled Social Security action is **AFFIRMED**.

SIGNED this 25th day of January, 2006.



T. JOHN WARD
UNITED STATES DISTRICT JUDGE